

Exhibit 24

Page 1

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION: MIDDLESEX COUNTY
3
4 VALERIE JO DALIS and NICHOLAS J.)
5 DALIS,)
6)
7 Plaintiffs,)
8) Case No. MID L-4821-15AS
9 vs.)
10)
BRENNETAG NORTH AMERICA, INC.,)
ET AL.,)
Defendants.)
)

)

DEPOSITION OF NICHOLAS DALIS

19 Date and Time: Tuesday, December 22, 2015
10:01 a.m.

21 Location: 301 South Market Street
San Jose, CA 95113

23 Reported by: Cammi R. Bowen, CSR-13492

	Page 2	Page 4
1	A P P E A R A N C E S:	
2	For the Plaintiff: SIMON GREENSTONE PANATIER BARTLETT 3780 Kilroy Airport Way Suite 540 Long Beach, California 90806 Tel: (562) 590-3400 E-mail: Lkagan@sgpbaw.com	1 WITNESS INSTRUCTED NOT TO ANSWER PAGE LINE 2 16 7 3 4 5 6 BY: LEAH C. KAGAN, ESQ.
7	For the Defendants QUINN EMANUEL URQUHART & SULLIVAN LLP Colgate-Palmolive: 50 California Street 22nd Floor San Francisco, California 94111 Tel: (415) 875-6421 E-mail: Meredithshaw@quinnemanuel.com	6 7 8 9 BY: MEREDITH M. SHAW, ESQ.
10	For the Defendants HOAGLAND LONGO MORAN, DUNST & DOUKAS, LLP Whittaker, Clark & 40 Paterson Street	10
11	Daniels; Cyprus P.O. Box 480 Amax Minerals New Brunswick, New Jersey 08903	11 12
12	Company: Tel: (732) 545-4717 E-Mail: Mgaffrey@hoaglandlongo.com	13
13	BY: MARC S. GAFFREY, ESQ.	14
14	For the Defendant CONNELL FOLEY LLP Conair: 85 Livingston Avenue	15
15	Roseland, New Jersey 07068 Tel: (973) 535-0500	16 17
16	E-mail: Spress@connellfoley.com BY: SCOTT M. PRESS, ESQ. (Telephonically)	18 19 20
17	Also Present: Cassia Leet, Videographer	21
18		22
19		23
20		24
21		25
22		
23		
24		
25		
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1	INDEX	
2	EXAMINATIONS: PAGE	
3	By Ms. Shaw..... 14	1 MR. GAFFREY: This is Marc Gaffrey. I
4	By Mr. Gaffrey..... 189	2 represent Whittaker, Clark & Daniels, and Cyprus
5	By Ms. Shaw..... 242	3 Amax in this case.
6	By Ms. Kagan..... 245	4 I learned within the last couple of days
7		5 that Mr. Dalis, who is to be deposed today and who
8	EXHIBITS	6 is a party to this lawsuit, filed for bankruptcy,
9	Dfs. Exhibit No. Description Ident.	7 and I understand it to be in September of 2015,
10	Exhibit 1 Notice of Deposition..... 146	8 although I'm not certain of the date.
11	Exhibit 2 United States Bankruptcy Court Voluntary Petition..... 159	9 My concern is issues related to bankruptcy.
12	Exhibit 3 United States Bankruptcy Court Summary of Schedules..... 160	10 There is an issue in this case as to choice of law.
13	Exhibit 4 United States Bankruptcy Court Voluntary Petition..... 173	11 I will admit, I don't know anything about bankruptcy
14	Exhibit 5 Special Criminal Hearing information document dated 1/22/93..... 178	12 law. I've been involved in many cases over the
15	Exhibit 6 "Information" in the People of the State of California vs. Garden City, Inc., et al case..... 179	13 years that have had bankruptcy issues. I have
16	Exhibit 7 Abstract of Judgment - Prison Commitment for Defendant Nicholas John Dalis..... 179	14 deferred to others much wiser than me with respect
17	Exhibit 8 Document titled "Hit #5 - The Plaintiff was involved in large criminal case. Partial summary is below"..... 195	15 to those issues.
18		16 I don't know and I sought advice last
19		17 evening with respect to -- since Mr. Dalis is a
20		18 party to this lawsuit and since his testimony could
21		19 have an impact, positive or negative, on the value
22		20 of this case, is it ethically appropriate to proceed
23		21 with this deposition today? And, simply, I ask
24		22 because I don't know. And I asked a number of
25		23 attorneys, both California attorneys as well as New
		24 Jersey attorneys, and the answer was a resounding,
		25 "We don't know."

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<p>1 that she had to have it removed. I think there was 2 a cyst and that's why they removed it. 3 Whether it was cancerous or not, I don't 4 believe so.</p> <p>5 Q. Do you recall what Mrs. Dalis told you 6 about having her ovary removed when you were in 7 daily contact with her during this time?</p> <p>8 A. I remember discussing it and -- and 9 sympathizing with her, but that's about it.</p> <p>10 Q. Did your wife also have surgery for a 11 hernia at some point?</p> <p>12 A. Yes.</p> <p>13 Q. And was that in about 2000?</p> <p>14 A. I believe so.</p> <p>15 Q. And do you know anything about Mrs. Dalis's 16 hernia operation in about 2000?</p> <p>17 A. Other than the fact that she had it and 18 that's -- that's all I know.</p> <p>19 Q. I've seen a reference in Mrs. Dalis's 20 medical records to the surgery involving mesh, 21 m-e-s-h.</p> <p>22 Does that ring any bells for you?</p> <p>23 A. Sure.</p> <p>24 Q. Okay. And what do you know about mesh 25 being used in Mrs. Dalis's hernia operation?</p>	<p>1 BY MS. SHAW: 2 Q. Okay. So there was a surgery to remove 3 the -- the -- her right ovary; right? 4 A. Yes. 5 Q. There was a surgery for the hernia? 6 A. Yes. 7 Q. Okay. And a cataract surgery? 8 A. Yes. 9 Q. Any other surgery that you recall 10 Mrs. Dalis having? 11 A. Other than the surgery that she had 12 regarding this, no, I can't. 13 Q. Okay. While you've been married to 14 Mrs. Dalis, do you recall her having any other 15 significant medical issues other than your common 16 cold or flu up until the time of her current 17 illness? 18 A. No. 19 Q. Is anyone financially dependent on you? 20 A. Not anymore. 21 Q. When you say "not anymore," what do you 22 mean? 23 A. Well, I -- I -- I took care of my mother 24 and my mother-in-law when they were in assisted 25 living. And our sons became self --</p>
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<p>1 A. Well, I've had a couple of hernia 2 operations myself.</p> <p>3 Q. Okay.</p> <p>4 A. And the first time, they tried to repair it 5 with mesh. And I was lifting weights at the time, 6 and I just ripped it up. So they went in and had to 7 correct it through surgery.</p> <p>8 So the mesh is put on underneath the -- 9 and -- and stretched over the hernia so that the 10 hernia can't protrude anymore. And I believe the -- 11 her first surgery was the mesh-type surgery for the 12 hernia.</p> <p>13 Q. When you say Mrs. Dalis's "first surgery," 14 was there a second surgery?</p> <p>15 A. I don't think so. I'm not sure.</p> <p>16 Q. Other than the two surgeries we've just 17 talked about, while you've been married to 18 Mrs. Dalis, do you recall any -- any surgeries?</p> <p>19 A. She -- cataract surgery.</p> <p>20 Q. Okay. And I'm excluding from that anything 21 related to her current illness.</p> <p>22 A. Oh, yes. She --</p> <p>23 MS. KAGAN: Ex- -- excluding.</p> <p>24 THE WITNESS: Oh, okay. Right.</p> <p>25 ///</p>	<p>1 self-sufficient. So there's really nobody else 2 that's dependent upon me.</p> <p>3 Q. And when -- since you've been married to 4 Mrs. Dalis, you've financially supported Mrs. Dalis?</p> <p>5 A. Yes.</p> <p>6 Q. Since Mrs. Dalis has been diagnosed with 7 her current illness in 2014, have you hired anyone 8 to perform work around the house?</p> <p>9 A. Yes.</p> <p>10 Q. Who have you hired?</p> <p>11 A. We have -- we have a -- one gentleman that 12 comes in once a month and cleans everything 13 thoroughly. And I do -- I do all the house 14 cleaning.</p> <p>15 Q. And when did you first hire the gentleman 16 to do the house cleaning?</p> <p>17 A. Well, he was originally hired by my mother 18 when my mother was living in the -- in the home, and 19 we -- we kept him on.</p> <p>20 Q. Okay. So when your mother passed in 21 2008 --</p> <p>22 A. Yes.</p> <p>23 Q. -- you continued to employ a gent- -- the 24 gentleman to clean your house about once a month?</p> <p>25 A. The heavy work, yes.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. I'm sorry?</p> <p>2 A. The heavy work in the house.</p> <p>3 Q. And --</p> <p>4 MS. KAGAN: Nick, this is an example where</p> <p>5 Meredith asked you about hiring somebody after</p> <p>6 Valerie got sick.</p> <p>7 THE WITNESS: Oh. Okay. I'm sorry.</p> <p>8 We haven't hired anyone since Valerie has</p> <p>9 been sick.</p> <p>10 MS. KAGAN: If there's a time that you</p> <p>11 don't understand Meredith's question --</p> <p>12 THE WITNESS: Right. Okay.</p> <p>13 MS. KAGAN: -- you can tell her and she'll</p> <p>14 rephrase it or ask it again.</p> <p>15 THE WITNESS: All right. Okay.</p> <p>16 BY MS. SHAW:</p> <p>17 Q. Have you and Mrs. Dalis received any</p> <p>18 payments in connection with Mrs. Dalis's illness?</p> <p>19 A. Yes.</p> <p>20 Q. What payment have you received in</p> <p>21 connection with Mrs. Dalis's illness?</p> <p>22 A. The first legal group that we retained for</p> <p>23 the mesothelioma advised us to accept a check</p> <p>24 from -- I believe it was Johns Mansville [sic] -- it</p> <p>25 was for \$21,000 and change -- advising us that they</p>	<p style="text-align: right;">Page 144</p> <p>1 THE WITNESS: Okay. All right.</p> <p>2 MS. KAGAN: -- the attorneys here in the</p> <p>3 room.</p> <p>4 (The court reporter addressed</p> <p>5 simultaneous speaking.)</p> <p>6 THE WITNESS: All right. I understand.</p> <p>7 BY MS. SHAW:</p> <p>8 Q. I'll ask the question again for you.</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Your -- the first attorney that you</p> <p>11 retained after your wife became ill filed a claim on</p> <p>12 behalf of you and Mrs. Dalis with the Johns Manville</p> <p>13 trust for Mrs. Dalis's illness; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And the Johns Manville trust paid</p> <p>16 you and Mrs. Dalis approximately \$21,000 for</p> <p>17 Mrs. Dalis's illness?</p> <p>18 A. Yes.</p> <p>19 Q. Did you and Mrs. Dalis complete any</p> <p>20 paperwork in connection with your claim to the Johns</p> <p>21 Manville trust?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did you provide any information to the</p> <p>24 Johns Manville trust about Mrs. Dalis?</p> <p>25 A. I don't recall.</p>
<p style="text-align: right;">Page 143</p> <p>1 have this money set aside and we should go ahead and</p> <p>2 take it.</p> <p>3 Q. Okay. So did you and Mrs. Dalis file a</p> <p>4 claim with Johns Manville bankruptcy trust for</p> <p>5 Mrs. Dalis's illness?</p> <p>6 A. The -- the mesothelioma original attorney</p> <p>7 did.</p> <p>8 Q. So your attorney filed a claim with the</p> <p>9 Johns Manville trust --</p> <p>10 A. Yes.</p> <p>11 Q. -- on behalf of you and Mr. -- excuse me,</p> <p>12 you and Mrs. Dalis for causing Mrs. Dalis's illness;</p> <p>13 is that right?</p> <p>14 MS. KAGAN: Objection. Lacks foundation,</p> <p>15 calls for a legal conclusion, lacks personal</p> <p>16 knowledge, calls for speculation.</p> <p>17 THE WITNESS: They told us they were going</p> <p>18 to --</p> <p>19 MS. KAGAN: Nick, I'm going to object to</p> <p>20 privilege here. What they told you --</p> <p>21 THE WITNESS: Attorney-client privilege.</p> <p>22 MS. KAGAN: -- is privileged. You --</p> <p>23 THE WITNESS: Yeah.</p> <p>24 MS. KAGAN: -- you don't get to share that</p> <p>25 with --</p>	<p style="text-align: right;">Page 145</p> <p>1 Q. Do you know if Mrs. Dalis was exposed to</p> <p>2 asbestos as a result of a product made or sold by</p> <p>3 Johns Manville?</p> <p>4 MS. KAGAN: Objection. Lacks foundation,</p> <p>5 lacks personal knowledge, calls for speculation.</p> <p>6 MR. GAFFREY: And I'm going to object to</p> <p>7 form for the use "exposed."</p> <p>8 BY MS. SHAW:</p> <p>9 Q. Do you know if Mrs. Dalis -- do you know if</p> <p>10 Mrs. Dalis used any product made or sold by Johns</p> <p>11 Manville?</p> <p>12 A. No, I don't know.</p> <p>13 Q. Do you -- what do you know about Johns</p> <p>14 Manville, if anything?</p> <p>15 A. I know they -- they built -- what? --</p> <p>16 large, like storm drains. That's about all I know.</p> <p>17 Q. What was your basis for making a claim to</p> <p>18 the Johns Manville trust for Mrs. Dalis's illness?</p> <p>19 MS. KAGAN: Objection. Lacks foundation,</p> <p>20 lacks personal knowledge, calls for a legal</p> <p>21 conclusion.</p> <p>22 THE WITNESS: Advice by the attorney.</p> <p>23 BY MS. SHAW:</p> <p>24 Q. Do you have any knowledge of any connection</p> <p>25 between your wife and a product made or sold by</p>

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<p>1 Johns Manville?</p> <p>2 A. No.</p> <p>3 Q. And you and your wife accepted compensation</p> <p>4 from Johns Manville for your wife's illness; is that</p> <p>5 right?</p> <p>6 MS. KAGAN: Asked and answered.</p> <p>7 THE WITNESS: Yes. Upon counsel's advice.</p> <p>8 MS. SHAW: I'd like to mark an exhibit.</p> <p>9 (Defendants' Exhibit 1, Notice of</p> <p>10 Deposition, was marked for</p> <p>11 identification.)</p> <p>12 MS. SHAW: For the record, we're going to</p> <p>13 mark as Exhibit 1 the notice of deposition for</p> <p>14 Mr. Nicholas Dalis's deposition here today.</p> <p>15 BY MS. SHAW:</p> <p>16 Q. Sir, take a moment and take a look through</p> <p>17 that.</p> <p>18 Do you recognize this document, Exhibit 1?</p> <p>19 A. Do I recognize it? No, no.</p> <p>20 Q. So you see Schedule A to the notice of</p> <p>21 deposition, Exhibit 1, has a list of "Documents and</p> <p>22 Other Tangible Things to Be Produced"?</p> <p>23 A. No.</p> <p>24 Q. Have you made any effort to search for or</p> <p>25 determine if you have any of the documents listed in</p>	<p>1 and answered. He's already testified that the only</p> <p>2 things that he viewed were family photos. And I've</p> <p>3 already represented to counsel that in this room,</p> <p>4 there's a bag of family photos that will be scanned</p> <p>5 and produced to counsel, which was produced to me on</p> <p>6 Sunday prior to this deposition.</p> <p>7 MS. SHAW: Counsel, again, if you could</p> <p>8 refrain from the speaking objection, I would</p> <p>9 appreciate it.</p> <p>10 MS. KAGAN: If you can refrain from</p> <p>11 harassing and duplicative questions, I, too, would</p> <p>12 appreciate it.</p> <p>13 BY MS. SHAW:</p> <p>14 Q. Sir, do you have my question in mind?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you have in your possession any</p> <p>17 documents that you viewed, looked at, or were shown</p> <p>18 or which were read to you by any person at any time</p> <p>19 in preparation for this deposition?</p> <p>20 A. In my possession?</p> <p>21 Q. Correct.</p> <p>22 A. No.</p> <p>23 Q. Do you have any documents that relate to</p> <p>24 plaintiff Valerie Jo Dalis's application or use of</p> <p>25 any cosmetic talcum powder product?</p>
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<p>1 Schedule A numbered under the heading of "Documents</p> <p>2 and Other Tangible Things to Be Produced"?</p> <p>3 MS. KAGAN: I'm going to object and note</p> <p>4 for the record that counsel on behalf of Mr. Dalis</p> <p>5 has responded to this notice and provided responses</p> <p>6 to each of the 23 requests and objections thereto.</p> <p>7 THE WITNESS: And your question is?</p> <p>8 BY MS. SHAW:</p> <p>9 Q. Have you made an effort to search for or</p> <p>10 determine if you have any of the documents and other</p> <p>11 tangible things to be produced listed on Schedule A</p> <p>12 to Exhibit 1?</p> <p>13 MS. KAGAN: Same objection, incorporating</p> <p>14 the objections provided to counsel in response to</p> <p>15 this notice.</p> <p>16 THE WITNESS: I -- I -- I have no idea.</p> <p>17 BY MS. SHAW:</p> <p>18 Q. Let's go through -- go through this, then,</p> <p>19 and see if you believe you might have any of the</p> <p>20 documents that are listed on Schedule A; okay?</p> <p>21 Do you have in your possession any</p> <p>22 documents that you viewed, looked at, or were shown</p> <p>23 or were -- which were read to you at any time in</p> <p>24 preparation for your deposition?</p> <p>25 MS. KAGAN: I'm going to object to asked</p>	<p>1 MS. KAGAN: Same objections, incorporating</p> <p>2 the objections that were previously provided to</p> <p>3 counsel with respect to Request Number 2.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MS. SHAW:</p> <p>6 Q. Okay. Do you have any documents that</p> <p>7 depict, describe, or relate to any cosmetic talcum</p> <p>8 powder product identified in response to Request</p> <p>9 Number 2?</p> <p>10 So we can skip that one.</p> <p>11 Do you have any documents that relate to</p> <p>12 plaintiff Valerie Jo Dalis's exposure to asbestos</p> <p>13 from any source including from construction or</p> <p>14 remodeling at any of her residences, from asbestos</p> <p>15 on the clothes of any person, and from</p> <p>16 environmental, community, or ambient asbestos?</p> <p>17 MS. KAGAN: Same objection, incorporating</p> <p>18 the objections previously provided to counsel.</p> <p>19 MR. GAFFREY: On behalf of my two clients,</p> <p>20 I'm offering Leah a continuing objection along those</p> <p>21 lines so that we can complete this deposition today.</p> <p>22 MS. KAGAN: I don't accept. I'm entitled</p> <p>23 to object to each of those questions, but thank you</p> <p>24 for your offer.</p> <p>25 MR. GAFFREY: You -- you are entitled to</p>

<p style="text-align: right;">Page 246</p> <p>1 MS. SHAW: Join.</p> <p>2 THE WITNESS: To the contrary.</p> <p>3 We have gone through a number of disastrous</p> <p>4 situations that would probably break up -- any one</p> <p>5 of which would have broken up other couples. We</p> <p>6 lost my business, we lost my freedom, we lost a</p> <p>7 couple of homes.</p> <p>8 And it's -- we would never have made it</p> <p>9 this far unless we really loved each other. And</p> <p>10 she's been the most nurturing wife I could ever --</p> <p>11 ever want; a great mother and a great homemaker.</p> <p>12 And a great grandmother, by the way.</p> <p>13 But to the contrary. She's been -- she's</p> <p>14 provided me with -- and she stood by me when I was</p> <p>15 a -- away for almost two years and took care of our</p> <p>16 stepson as if he were her own son.</p> <p>17 And to answer your question, no, she's --</p> <p>18 our relationship is stronger than ever, because -- I</p> <p>19 just -- unfortunately, we're just not going to be</p> <p>20 able to get through this final episode, but we're</p> <p>21 going to try to make it as comfortable as we can for</p> <p>22 her.</p> <p>23 MS. KAGAN: Those are all the questions</p> <p>24 that I have.</p> <p>25 MS. SHAW: Marc.</p>	<p style="text-align: right;">Page 248</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, CAMMI R. BOWEN, a Certified Shorthand</p> <p>4 Reporter, hereby certify that the witness in the foregoing</p> <p>5 deposition was by me duly sworn to tell the truth, the</p> <p>6 whole truth, and nothing but the truth in the</p> <p>7 within-entitled cause;</p> <p>8 That said deposition was taken down in shorthand</p> <p>9 by me, a disinterested person, at the time and place</p> <p>10 therein stated, and that the testimony of the said witness</p> <p>11 was thereafter reduced to typewriting, by computer, under</p> <p>12 my direction and supervision;</p> <p>13 Further, that if the foregoing pertains to the</p> <p>14 original transcript of a deposition in a Federal Case,</p> <p>15 before completion of the proceedings, review of the</p> <p>16 transcript [] was [] was not requested.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties to the said</p> <p>19 deposition, nor in any way interested in the events of</p> <p>20 this cause, and that I am not related to any of the</p> <p>21 parties hereto.</p> <p>22 DATED: 1/4/2016</p> <hr/> <p>23</p> <p>24 CAMMI R. BOWEN CSR #13492</p> <p>25</p>
<p style="text-align: right;">Page 247</p> <p>1 MR. GAFFREY: I'm done.</p> <p>2 MS. SHAW: I think we're finished for</p> <p>3 today. Thank you very much, sir.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MS. KAGAN: This concludes the discovery</p> <p>6 deposition of Nicholas Dalis.</p> <p>7 THE VIDEOGRAPHER: Okay. The number of</p> <p>8 media used was four and will be retained by Veritext</p> <p>9 Legal Solutions. The time is 5:15 p.m. We're off</p> <p>10 the record.</p> <p>11 (Off the record.)</p> <p>12 (Whereupon, the deposition of Nicholas</p> <p>13 Dalis was concluded at 5:15 p.m.)</p> <p>14 --oOo--</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	